

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-19 in the Application. In a previous response, Claim 7 was cancelled without prejudice or disclaimer. In the present response, the Applicants have not amended, canceled, or added any claims. Accordingly, Claims 1-6 and 8-19 are currently pending in the Application.

#### **I. Rejection of Claims 1-6 and 8-19 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-6 and 8-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6, 741,989 to Seltzer, *et al.* (hereinafter "Seltzer") in view of U.S. Patent No. 5,301,105 to Cummings, Jr., (hereinafter "Cummings,"), U.S. Patent No. 6,067,522 to Warady, *et al.*, ("Warady,"), and U.S. Patent Application Publication No. 2003/0046422 by Narayanan, *et al.* (hereinafter "Narayanan,") in view of an Official Notice (evidenced by U.S. Patent Application Publication No. 2002/0107767 by McClair, *et al.* (hereinafter "McClair")), further in view of background of invention U.S. Patent Application Publication No. 2003/0110114 to Dmochowski, *et al.* (hereinafter "Dmochowski"). The Applicant's respectfully disagree since the cited portions of the cited combination do not teach or suggest determining factors which are to be considered as a prerequisite to an approval of a plurality of capital expenditures and using those factors to further determine a number of a plurality of levels of approval required as recited in independent Claims 1, 8, 12, and 16. Moreover, the cited portions of the cited combination do not teach or suggest using an online computer to compare the department identification of the

department which wants to incur the capital expenditure and generating a table of requisite approvers for the desired capital expenditure also as recited in independent Claims 1, 8, 12, and 16.

Citing lines 9-11 of column 3, lines 46-53 of column 2, and claim 29, the Examiner asserts that Seltzer teaches determining factors which are to be considered as a prerequisite to an approval of a plurality of capital expenditures. More specifically, the Examiner equates “approve or disapprove of a proposed expenditure within the partnership based on the risk factor table” and “including key factors partners should be aware of, an authorization for expenditure” of these cited portions of Seltzer with the claim limitation “determining factors which are to be considered as a prerequisite to an approval of a plurality of capital expenditures.” (*See* Final Rejection of February 6, 2009, pages 2-3, and 10.)

Seltzer is directed to an integrated approach to providing members of a partnership with information and feedback regarding the business. (*See, e.g.*, lines 42-44 of column 1 of Seltzer.) From a partner exchange main page, a registered user may choose from a variety of information exchange tools, examples of which are an information page 40 including key factors partners should be aware of and an authorization for expenditure page 42, as cited by the Examiner. (*See, e.g.*, lines 46-52 of Seltzer.) Claim 29 of Seltzer, as relied upon by the Examiner teaches that an authorized user is prompted through the authorization for expenditure page to approve or disapprove of a proposed expenditure within the partnership based on a risk factor table. Thus, the cited portions of Seltzer relied upon by the Examiner teaches that members of a partnership, a registered user, can choose to look at a page that has key factors on it, such as a risk factor table, and can approve or disapprove a proposed expenditure using an authorization page based on that information.

The Applicants fail to find where the cited portions of Seltzer relied upon by the Examiner teach or suggest determining factors which are to be considered. On the contrary, the factors which are to be considered in Seltzer are the pre-determined key factors on the information page which may include a risk factor table. The Applicants fail to find where the cited portions of Seltzer allow for a determination of which factors are to be considered as presently claimed.

Citing lines 41-47 and 61-65 of column 7 and lines 1-20 of column 8, the Examiner asserts that Cummings teaches using the online computer system to compare the department identification. More specifically, the Examiner equates "central processing system or a personal computer" of these cited portions of Cummings with the claim limitation "computer system." (*See* Final Rejection of February 6, 2009, pages 5 and 13.)

Cummings is directed to an integrated interconnection and interaction of a patient, health care provider, bank, utilization review, and employer so as to include within a single system each of the essential elements to provide patients with complete and comprehensive health care and payment therefore. (*See, e.g.*, lines 54-60 of column 1 of Cummings.) The cited portions of Cummings teach a processing system 10 may be embodied in microprocessor 60 and one or more other processors such as a central processing system 61. A provision of an optional high resolution display preferably located in a physician's office is made so as to permit on-line real time display and visual review of relevant data, test results, and the like. A preventative health aspect of a Wellness Health Management System is illustrated that shows the entry of information for each participant into the System. Authorization and Identification 71 are made by designees. Once authorized, a participant is provided with an appropriate identification and/or other indicia which is subsequently used by the

System to verify authorization to participate as well as to identify records and other information. (See, e.g., lines 41-47 and 61-65 of column 7 and lines 1-20 of column 8 of Cummings.) Thus, the cited portions of Cummings relied upon by the Examiner teach a central processing system with a display for a physician to view test results, relevant data, *etc.* an that entry of information is made for a participant from which the participant is given authorization which is subsequently used by the System to verify authorization to participate and to identify records. The Applicants fail to find any teaching or suggestion of a department in the cited portions relied upon by the Examiner. Nor do the Applicants find any teaching or suggestion of a department identifier. Furthermore, the Applicants fail to find any teaching or suggestion of a capital expenditure for a department. All of these limitations are recited in independent Claims 1, 8, 12, and 16.

Citing lines 6-13 of column 5, line 65 of column 5 through line 11 of column 6, and lines 9-23 of column 13, the Examiner asserts that Warady teaches to further determine a number of levels of approvals required. (See Final Rejection of February 6, 2009, pages 5 and 13.) The cited portions of Warady teach benefit file 10 comprises a plurality of benefit tables 100, a prerequisites table 110, and employee classification table 120, and employer divisions table 130, a program ID table 140, a provider table 150, an employer locations table 160, a default plan table 170, a government reporting table 180, and an employee status table 190. The prerequisites table 110 stores information describing which benefit plans, if any, described in the benefit tables 100 have prerequisites that must be met before an employee can be enrolled in the plans. If evidence of insurability or other prerequisites are required to be provided by the employee for approval of a requested benefit, the benefit plan administrator or plan provide notifies the employee. If the required prerequisites are met

by the employee and approved by the plan provider, then confirmation of the approval is issued to the employee. The health and welfare benefit enrollment and billing system 1 appropriately adds an enrollment record for the employee in the enrollment history table to reflect that the prerequisites have in fact been met and the date of approval thereof by the plan provider. If the prerequisites are not approved, then the employee is denied the requested benefit.

Thus, the cited portions of Warady relied upon by the Examiner teaches that prerequisites are stored in a table that is accessed to help determine if an employee has met the required prerequisites and that if the required prerequisites are met, the employee is approved to receive benefits but if the required prerequisites are not met, the employee is denied the benefits. The Applicants fail to find where a number of levels of approval is determined in the cited portions of Warady relied upon by the Examiner as presently claimed. Instead, the cited portion of Warady teaches determination of whether required prerequisites are met.

Citing lines 34-49 of column 5, Examiner asserts that Warady teaches generating a table of requisite approvers for the expenditure. More specifically, the Examiner equates "table corresponding to a flexible spending" of this cited portion of Warady with the claim limitation "table of requisite approvers." (*See* Final Rejection of February 6, 2009, pages 5 and 14.) The cited portion of Warady teaches that the table is a table corresponding to a flexible spending account (*e.g.*, a dependent care or health care reimbursement account). The Applicants fail to find were a table corresponding to a flexible spending account equates to a table of requisite approvers as presently claimed.

For at least the reasons given above, the cited portions of the cited combination of Seltzer, Cummings, Warady, Narayanan, Official Notice/McClair, and Dmochowski do not provide a *prima facie* case of obviousness for independent Claims 1, 8, 12, and 16 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-6 and 8-19 and allow issuance thereof.

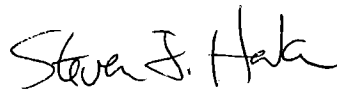
## **II. Conclusion**

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this Application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-6 and 8-19.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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